

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALVARO C. GOMEZ,) CASE NO. SA CV 18-1540-ODW (PJW)
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)
) Petitioner,)
)
) ORDER DISMISSING SECOND OR
)
) SUCCESSIVE HABEAS CORPUS PETITION
)
) v.)
)
) AND DENYING CERTIFICATE OF
)
) APPEALABILITY
)
) SUPERIOR COURT OF CALIFORNIA,)
)
)
) ET AL.,)
)
)
) Respondents.)
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Before the Court is Petitioner's second attempt to challenge his 2007 state conviction and sentence. His first petition was denied on the merits in December 2010. (*Gomez v. Allison*, SA CV 09-1073-ODW (PJW), December 8, 2010 Order.) Petitioner did not apply for a certificate of appealability from that judgment.

Absent authorization from the Ninth Circuit, Petitioner may not bring another habeas petition challenging his 2007 conviction and sentence. See 28 U.S.C. § 2244; see also *Burton v. Stewart*, 549 U.S. 147, 157 (2007) (holding district court lacks jurisdiction to consider the merits of a second or successive petition absent prior authorization from the circuit court). For this reason, the Petition is dismissed.


1 The Court further finds that Petitioner has not made a
2 substantial showing of the denial of a constitutional right or that
3 the court erred in its procedural ruling and, therefore, a certificate
4 of appealability will not issue in this action. See 28 U.S.C.
5 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
6 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

7 IT IS SO ORDERED.

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9 DATED: August 31, 2018.

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12 OTIS D. WRIGHT, II
13 UNITED STATES DISTRICT JUDGE
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21 Presented by:

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24 PATRICK J. WALSH
25 UNITED STATES MAGISTRATE JUDGE
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